

AMENDED IN ASSEMBLY AUGUST 21, 2006

AMENDED IN SENATE MAY 15, 2006

**SENATE BILL**

**No. 1446**

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**Introduced by Senator Perata**

February 22, 2006

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An act to amend, *repeal, and add* Section 42238.51 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1446, as amended, Perata. Charter schools: funding.

Existing law requires the county superintendent of schools to determine a revenue limit for each school district in the county pursuant to a prescribed formula, and requires, for purposes of that apportionment, that average daily attendance be calculated, as prescribed.

Existing law requires a school district to compute the fiscal year average daily attendance, as specified.

Existing law requires a sponsoring school district to compute its average daily attendance by computing the sponsoring school district's regular average daily attendance in the current year, excluding all attendance of pupils in charter schools, and by computing the sponsoring school district's 2nd principal apportionment regular average daily attendance for the prior year, excluding all attendance of pupils who either attended a charter school in the prior year or who attended one or more noncharter schools of the school district between July 1 and the last day of the 2nd period, inclusive, in the prior year, and attended a charter school sponsored by the school district between July 1 and the last day of the 2nd period, inclusive, in the current year.

This bill, *commencing on July 1, 2007*, would provide that for the purposes of the above computation, a pupil enrolled in a grade at a charter school sponsored by the school district ~~shall~~ *will* not be counted if the school district does not offer classes for pupils enrolled in that grade. The bill would also, for the purpose of that computation, prohibit the amount of the attendance counted for any pupil to be greater than the attendance claimed for that pupil by the charter school in the current year.

The bill would compute the attendance of pupils who attended a charter school sponsored by the school district in the prior year and who attended one or more noncharter schools of the school district in the current year. The bill would, for the purposes of that computation, prohibit the amount of the attendance counted for any pupil to be greater than the attendance claimed for that pupil by the school district in the current year.

The bill would make additional specified calculations and findings based upon the above computation, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 42238.51 of the Education Code is  
2     amended to read:  
3     42238.51. (a) For purposes of paragraph (1) of subdivision  
4     (a) of Section 42238.5, a sponsoring school district's average  
5     daily attendance shall be computed as follows:  
6     ~~(a)~~  
7     (1) Compute the sponsoring school district's regular average  
8     daily attendance in the current year, excluding all attendance of  
9     pupils in charter schools.  
10    ~~(b)~~  
11    (2) Compute the sponsoring school district's second principal  
12    apportionment regular average daily attendance for the prior  
13    year, excluding all attendance of pupils who either attended a  
14    charter school in the prior year or who satisfy both of the  
15    following conditions:  
16    ~~(1)~~

1 (A) He or she attended one or more noncharter schools of the  
2 school district between July 1 and the last day of the second  
3 period, inclusive, in the prior year.

4 ~~(2)~~

5 (B) He or she attended a charter school sponsored by the  
6 school district between July 1 and the last day of the second  
7 period, inclusive, in the current year.

8 ~~(e)~~

9 (3) To the greater of the amounts computed pursuant to  
10 subdivisions ~~(a) and (b)~~ paragraphs (1) and (2), add the regular  
11 average daily attendance in the current year of all pupils  
12 attending charter schools sponsored by the district that are not  
13 funded pursuant to Article 2 (commencing with Section 47633)  
14 of Chapter 6 of Part 26.

15 ~~(d)~~

16 (b) For the purposes of this section, a “sponsoring school  
17 district” shall mean a “sponsoring local educational agency,” as  
18 defined in Section 47632.

19 (c) *This section shall become inoperative on July 1, 2007, and,*  
20 *as of January 1, 2008, is repealed, unless a later enacted statute,*  
21 *that becomes operative on or before January 1, 2008, deletes or*  
22 *extends the dates on which it becomes inoperative and is*  
23 *repealed.*

24 SEC. 2. Section 42238.51 is added to the Education Code, to  
25 read:

26 42238.51. (a) For purposes of paragraph (1) of subdivision  
27 (a) of Section 42238.5, a sponsoring school district’s average  
28 daily attendance shall be computed as follows:

29 (1) Compute the sponsoring school district’s regular average  
30 daily attendance in the current year, excluding the attendance of  
31 pupils in charter schools.

32 (2) (A) Compute the regular average daily attendance used to  
33 calculate the second principal apportionment of the school  
34 district for the prior year, excluding the attendance of pupils in  
35 charter schools.

36 (B) Compute the attendance of pupils who attended one or  
37 more noncharter school of the school district between July 1, and  
38 the last day of the second period, inclusive, in the prior year, and  
39 who attended a charter school sponsored by the school district  
40 between July 1, and the last day of the second period, inclusive,

1 *in the current year. For the purposes of this paragraph, a pupil*  
2 *enrolled in a grade at a charter school sponsored by the school*  
3 *district shall not be counted if the school district does not offer*  
4 *classes for pupils enrolled in that grade. The amount of the*  
5 *attendance counted for any pupil for the purpose of this*  
6 *subparagraph may not be greater than the attendance claimed*  
7 *for that pupil by the charter school in the current year.*

8 *(C) Compute the attendance of pupils who attended a charter*  
9 *school sponsored by the school district in the prior year and who*  
10 *attended one or more noncharter schools of the school district in*  
11 *the current year. The amount of the attendance counted for any*  
12 *pupil for the purpose of this subparagraph may not be greater*  
13 *than the attendance claimed for that pupil by the school district*  
14 *in the current year.*

15 *(D) From the amount determined pursuant to subparagraph*  
16 *(B), subtract the amount determined pursuant to subparagraph*  
17 *(C). If the result is less than zero, the amount shall be deemed to*  
18 *be zero.*

19 *(E) The prior year average daily attendance determined*  
20 *pursuant to subparagraph (A) shall be reduced by the amount*  
21 *determined pursuant to subparagraph (D).*

22 *(3) To the greater of the amounts computed pursuant to*  
23 *paragraphs (1) and (2), add the regular average daily*  
24 *attendance in the current year of all pupils attending charter*  
25 *schools sponsored by the district that are not funded pursuant to*  
26 *Article 2 (commencing with Section 47633) of Chapter 6 of Part*  
27 *26.*

28 *(b) For the purposes of this section, a “sponsoring school*  
29 *district” shall mean a “sponsoring local educational agency,” as*  
30 *defined in Section 47632.*

31 *(c) This section shall become operative on July 1, 2007.*

32 ~~SECTION 1. Section 42238.51 of the Education Code is~~  
33 ~~amended to read:~~

34 ~~42238.51. For purposes of paragraph (1) of subdivision (a) of~~  
35 ~~Section 42238.5, a sponsoring school district’s average daily~~  
36 ~~attendance shall be computed as follows:~~

37 ~~(a) Compute the sponsoring school district’s regular average~~  
38 ~~daily attendance in the current year, excluding all attendance of~~  
39 ~~pupils in charter schools.~~

1     ~~(b) (1) Compute the regular average daily attendance used to~~  
2     ~~calculate the second principal apportionment of the school~~  
3     ~~district for the prior year, excluding all attendance of pupils in~~  
4     ~~charter schools.~~

5     ~~(2) Compute the attendance of pupils who attended one or~~  
6     ~~more noncharter schools of the school district between July 1,~~  
7     ~~and the last day of the second period, inclusive, in the prior year,~~  
8     ~~and who attended a charter school sponsored by the school~~  
9     ~~district between July 1, and the last day of the second period,~~  
10    ~~inclusive, in the current year. For the purposes of this paragraph,~~  
11    ~~a pupil enrolled in a grade at a charter school sponsored by the~~  
12    ~~school district shall not be counted if the school district does not~~  
13    ~~offer classes for pupils enrolled in that grade. The amount of the~~  
14    ~~attendance counted for any pupil for the purpose of this~~  
15    ~~paragraph may not be greater than the attendance claimed for that~~  
16    ~~pupil by the charter school in the current year.~~

17    ~~(3) Compute the attendance of pupils who attended a charter~~  
18    ~~school sponsored by the school district in the prior year and who~~  
19    ~~attended one or more noncharter schools of the school district in~~  
20    ~~the current year. The amount of the attendance counted for any~~  
21    ~~pupil for the purpose of this paragraph may not be greater than~~  
22    ~~the attendance claimed for that pupil by the school district in the~~  
23    ~~current year.~~

24    ~~(4) From the amount determined pursuant to paragraph (2),~~  
25    ~~subtract the amount determined pursuant to paragraph (3). If the~~  
26    ~~result is less than zero, the amount shall be deemed to be zero.~~

27    ~~(5) The prior year average daily attendance determined~~  
28    ~~pursuant to paragraph (1) shall be reduced by the amount~~  
29    ~~determined pursuant to paragraph (4).~~

30    ~~(c) To the greater of the amounts computed pursuant to~~  
31    ~~subdivisions (a) and (b), add the regular average daily attendance~~  
32    ~~in the current year of all pupils attending charter schools~~  
33    ~~sponsored by the district that are not funded pursuant to Article 2~~  
34    ~~(commencing with Section 47633) of Chapter 6 of Part 26.~~

35    ~~(d) For the purposes of this section, a “sponsoring school~~  
36    ~~district” shall mean a “sponsoring local educational agency,” as~~  
37    ~~defined in Section 47632.~~